

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID KOSKE,)
Plaintiff)
)
v.) C.A. NO. 04-30181-MAP
)
TEXON USA, INC.,)
Defendant)

MEMORANDUM AND ORDER REGARDING
REPORT AND RECOMMENDATION WITH REGARD TO
PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT
(Docket Nos. 17 & 10)

November 30, 2005

PONSOR, D.J.

This is an action under the Americans With Disabilities Act ("ADA"); 42 U.S.C. § 12112; Mass. Gen. Laws ch. 151(b) § 4(16); Mass. Gen. Laws ch. 152, § 75(A), and Mass. Gen. Laws ch. 152, § 75(B)(2). Defendant in this matter was duly served, but failed to file any appearance or answer. As a result, on September 9, 2005, Plaintiff, after having obtained a default against Defendant, filed a Motion for Default Judgment.

Plaintiff's motion was referred to Magistrate Judge Kenneth P. Neiman for Report and Recommendation. Magistrate Judge Neiman conducted an evidentiary hearing on November 7, 2005 with regard to damages. Based upon the evidence produced at the hearing, Magistrate Judge Neiman has recommended that judgment enter for the plaintiff in the

amount of \$15,300.00.

The detailed memorandum submitted by Magistrate Judge Neiman establishes clearly that plaintiff is entitled to judgment in the recommended amount.

For this reason, the Report and Recommendation of Magistrate Judge Kenneth P. Neiman dated November 10, 2005, upon de novo review, is hereby ADOPTED. Plaintiff's Motion for Entry of Default Judgment (Docket No. 10) is hereby ALLOWED. The court orders entry of judgment in favor of the plaintiff in the amount of \$15,300.00. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge